

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TX
FT. WORTH DIVISION

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2008 MAR 18 PM 3:53

CLERK'S OFFICE

LONZETTA SMITH ALLEN, §
§
Plaintiff, §
§
v. § No. 4:08-CV-209-Y
§ "ECF"
TARRANT COUNTY COLLEGE §
DISTRICT §
§
Defendant §

4 - 08 CV - 182 - Y

**PLAINTIFF'S COMPLAINT
AND JURY TRIAL DEMAND**

Plaintiff Lonzetta Smith-Allen (Allen) files her complaint against defendant Tarrant County College District (Defendant), and for her cause of action alleges:

PARTIES, JURISDICTION AND VENUE

1. Allen is an individual, an African American female and a resident of Tarrant County, Texas.
2. Defendant is an independent college district organized under the laws of the State of Texas.
3. Jurisdiction is based on 42 U.S.C. 2000e-5(f) (3).
4. Venue is proper in this judicial district because the occurrences giving rise to the claim for relief asserted occurred in this judicial district and Allen filed her charge of discrimination under Title VII, 42 U.S.C. §2000e in this judicial district.

FACTS

5. Allen was employed by Defendant as the Director of the Counseling Department in Student Development Services on Defendant's South Campus which is located at 5301 Campus Drive, Fort Worth, Texas 76119.

6. During almost sixteen (16) years of service, Allen performed her job duties in an excellent manner as evidenced by her employment evaluations. In fact, Allen had served as dean of student services at the time when that position was vacant and did so with less than full staff and successfully.

7. In 2004, Allen sought and received permission to fill vacant counselor positions. The position was advertised and a selection committee comprised of a diverse group of defendant's employees was selected.

8. The selection committee submitted several names to Allen as director to interview for the counseling position.

9. Allen interviewed the candidates and expressed her view that Leonard Hornsby, an academic advisor in the department and another African American female were clearly better qualified than two of the others persons referred to her to interview.

10. Defendant advised Allen that she needed to hire a Hispanic and not an African American to the counseling position and that she should re-advertise the position to accomplish this. Allen re-advertised the position.

11. The position was re-advertised and again a selection committee comprised of a diverse group of defendant's employees was selected.

12. Again, the selection committee submitted several names to Allen as director to interview for the counseling position.

13. Allen interviewed the candidates and again concluded that Hornsby was best qualified for the position of those persons referred to her to interview.

14. Again, after Allen expressed her view that Hornsby was the best qualified candidate, the defendant declined to fill the position and again decided to re-advertise the position.

15. Allen objected to what she perceived as illegal discrimination against Hornsby.

16. After Allen expressed her concern that the defendant's employees had illegally discriminated against Hornsby, her supervisor began to unjustifiably and unfairly criticize her work.

17. Prior to this time, Allen's formerly very good relationship with Ernest Thomas, president of the defendant's South Campus, had deteriorated for unrelated personal reasons.

18. Allen voiced her concerns about the deteriorating relationship to the Chancellor and the Vice-Chancellor. No help, however, was forthcoming from either of them.

19. Despite the prior lack of resolution with Thomas, Allen determined to speak to Thomas in an effort to resolve the issue resulting in maltreatment by her supervisor.

20. Allen met with Thomas in November or December 2006, to discuss these issues. However, because Thomas attempted to embrace and kiss her, Allen left meeting with Thomas without any resolution to the situation with her supervisor.

21. In January 2007, Allen met with Erma Johnson Hadley who informed her that she had been terminated and that she needed to sign a release if she wanted to be paid the balance due on her contract.

22. Allen declined to sign a release and after retaining counsel to demand payment under her contract, defendant paid the balance of her contract.

23. Allen filed a dual charge of discrimination with the Equal Employment Opportunity Commission and the Texas Commission on Human Rights Act complaining of this discharge.

24. After Allen filed her charge of discrimination, she was notified that she had officially been recommended for nonrenewal and her contract was thereafter officially nonrenewed.

25. The above described acts by defendant were in violation of Title VII of the 1991 Civil Rights Act's prohibition on race and sex discrimination as well as in violation of the Age Discrimination in Employment Act's (ADEA) prohibition on age discrimination and prohibition in both statutes prescribing retaliation for engaging in protected activity which Allen did by opposing discriminatory practices against Hornsby and herself and filing a charge discrimination.

26. Allen has suffered pecuniary losses consisting of back and front wages as well as mental anguish.

27. Allen has incurred attorney's fees to vindicate her rights under the Title VII and seeks reasonable and necessary attorney fees as permitted by statute.

28. Allen also seeks pre-judgment and post-judgment interest allowed by law.

JURY TRIAL DEMAND

29. Allen demands a jury trial of the claims raised in this complaint.

PRAYER FOR RELIEF

WHEREFORE, Allen prays for the following relief:

- i. Judgment against defendant for actual damages attributable to lost wages in the past, lost wages in the future, loss of retirement, medical and other benefits in the past and future, mental anguish, concern, worry and inconvenience in the past and future, and consequential damages.
- ii. Exemplary damages against the defendant in a sum determined by the trier of fact.
- iii. Prejudgment interest as provided by law.
- iv. Post-judgment interest as provided by law.
- v. Costs of suit, including a reasonable attorney's fee.
- vi. Such other and further relief to which plaintiff may be justly entitled.

Respectfully submitted,



N. Sue Allen
State Bar No. 00791992
307 West 7th Street, Suite 1800
Fort Worth, Texas 76102
(817) 926-5005
(817) 926-5165 (facsimile)

Attorney for Lonzetta Smith Allen

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Lonzetta Smith Allen		DEFENDANTS																															
(b) County of Residence of First Listed Plaintiff <u>TARRANT</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>TARRANT</u> (IN U.S. PLAINTIFF CASES ONLY)																															
		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.																															
(c) Attorney's (Firm Name, Address, and Telephone Number) N. Sue Allen, 307 West 7th Street, Ste 1800, Fort Worth, TX (817) 926-5005		Attorneys (If Known) Angela Robinson 4 - 08 CV - 182 - Y																															
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																															
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> PTF 1 <input type="checkbox"/> DEF 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4 <input type="checkbox"/> DEF 4																													
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5																													
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6																													
IV. NATURE OF SUIT (Place an "X" in One Box Only)																																	
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V. ORIGIN (Place an "X" in One Box Only)				Appeal to District Judge from Magistrate Judgment																													
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7																											
		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 2000e																															
VI. CAUSE OF ACTION		Brief description of cause: Discharge based on discrimination in employment																															
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																													
VIII. RELATED CASE(S) PENDING OR CLOSED		(See instructions): JUDGE	DOCKET NUMBER																														
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